

VZCZCXRO6130
OO RUEHROV
DE RUEHJM #1240 1960829
ZNY CCCCC ZZH
O 140829Z JUL 08
FM AMCONSUL JERUSALEM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2119
INFO RUEHKK/ARAB ISRAELI COLLECTIVE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L JERUSALEM 001240

SIPDIS

NEA FOR FRONT OFFICE; NSC FOR ABRAMS/SINGH/PASCUAL

E.O. 12958: DECL: 07/14/2018
TAGS: [PREL](#) [PGOV](#) [PBTS](#) [KWBG](#) [IS](#)
SUBJECT: BILIN REJECTS GOI PROPOSAL TO REROUTE SEPARATION
BARRIER

REF: A. 2008 JERUSALEM 185
[B.](#) 2007 SECSTATE 129800
[C.](#) 2007 JERUSALEM 1905
[D.](#) 2007 TEL AVIV 2670
[E.](#) 2006 JERUSALEM 4270
[F.](#) 2006 TEL AVIV 1084

Classified By: Acting Principal Officer Jessica Lapenn for reasons 1.4
(b) and (d).

[1.](#) (C) Summary. Bilin village representatives told Poloff July 8 and 9 that the GOI's revised plan for the nearby section of the separation barrier will reconnect 121 dunums (30 acres) of land to the village, expropriate a further 140 dunums for new construction, and leave over 2,000 dunums (500 acres) of land west of the separation barrier inaccessible except through restricted agricultural gates. The village intends to oppose the GOI's proposal and continue legal proceedings. End summary.

[2.](#) (SBU) In September 2007, the HCJ ruled that the path of the separation barrier near Bilin was not solely based on security considerations (ref D), but also on plans for future expansion of the Matityahu East portion of the settlement of Modiin Illit and was therefore an illegal routing. The court ordered the GOI and the IDF Military Commander in the West Bank to "reconsider, within reasonable time, an alternative to the route of the Security Fence in Bilin's lands that is less harmful to the residents of Bilin, and leaving to the extent possible the cultivated areas east of the Fence." The court instructed the GOI and IDF to present a plan that put Stage A of Matityahu East on the west side of the new barrier, and required that "the territories intended for the future construction of Stage B of the 'Matityahu East' neighborhood are to be left on the eastern side of the Fence."

[3.](#) (C) Michael Sfard, the Israeli attorney representing the village, told Poloff July 9 that GOI inaction in responding to the HCJ decision prompted him to file a contempt of court complaint. As a result, the GOI released a revised plan to the village on July 7. (Note: The map of the new proposed barrier route is available on the Consulate General's classified website at <http://www.state.sgov.gov/p/nea/jerusalem/ind ex.cfm> under the link for Political Reporting Attachments. End note.) The portion proposed to be reconnected to the village comprises 121 dunums of land (approximately 30 acres), but would require the expropriation of 140 dunums of cultivated land (approximately 35 acres) for barrier construction, resulting in a net loss of usable land for the village. Sfard said that by essentially ignoring the court's instructions, the GOI had actually given the petitioner's case a tactical boost. Sfard said he intends to file another contempt motion soon, although "it's a stretch to ask for a contempt order. It's just a question of how furious (the Chief Justice) is." If the contempt motion is not successful, Sfard plans to file a new HCJ petition to object to the plan.

14. (C) Abdullah Abu Rahma, Coordinator of the Bilin Popular Committee, told Poloff July 8 that the proposed plan is "unacceptable." He estimated the HCJ decision would have required the GOI to reconnect approximately 1,100 dunums of land out of a total of 2,300 dunums historically belonging to the village. Instead, the proposed route will reconnect only 121 dunums of land. Abu Rahma noted that the village would take immediate legal action and intends to contact media outlets to publicize their objections.

LAPENN